

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 23, delete lines 16 through 42.
- 2 Delete pages 24 through 36.
- 3 Page 37, delete lines 1 through 8.
- 4 Page 41, between lines 36 and 37, begin a new paragraph and insert:
- 5 "SECTION 30. IC 35-44-3-13, AS ADDED BY P.L.139-2006,
- 6 SECTION 5, AS ADDED BY P.L.140-2006, SECTION 34, AND AS
- 7 ADDED BY P.L.173-2006, SECTION 35, IS CORRECTED AND
- 8 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:
- 9 Sec. 13. (a) A person who is being supervised on lifetime parole (as
- 10 described in IC 35-50-6-1) and who knowingly or intentionally violates
- 11 a condition of lifetime parole that involves direct or indirect contact
- 12 with a child less than sixteen (16) years of age or with the victim of a
- 13 sex crime described in ~~IC 5-2-12-4 IC 11-8-8-5~~ that was committed by
- 14 the person commits a Class D felony if, at the time of the violation:
- 15 (1) the person's lifetime parole has been revoked two (2) or more
- 16 times; or
- 17 (2) the person has completed the person's sentence, including any
- 18 credit time the person may have earned.
- 19 (b) The offense described in subsection (a) is a Class C felony if the
- 20 person has a prior unrelated conviction under this section."
- 21 Page 44, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 32. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AS AMENDED BY P.L.140-2006, SECTION 38, AND AS AMENDED BY P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who:

(1) is a sexually violent predator under IC 35-38-1-7.5;

(2) has been convicted of murder (IC 35-42-1-1); or

(3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

When a ~~sexually violent predator~~ **person described in this subsection** completes the person's fixed term of imprisonment, less credit time

1 earned with respect to that term, the person shall be placed on parole
2 for the remainder of the person's life.

3 (f) This subsection applies to a parolee in another jurisdiction who
4 is a ~~sexually violent predator under IC 35-38-1-7.5~~ **person described**
5 **in subsection (e)** and whose parole supervision is transferred to
6 Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2)
7 (Interstate Compact for Out-of-State Probationers and Parolees) and
8 rules adopted under Article VII (d)(8) of the Interstate Compact for
9 Adult Offender Supervision (IC 11-13-4.5), a parolee who is a ~~sexually~~
10 ~~violent predator~~ **person described in subsection (e)** and whose parole
11 supervision is transferred to Indiana is subject to the same conditions
12 of parole as a ~~sexually violent predator~~ **person described in**
13 **subsection (e) who was** convicted in Indiana, including:

- 14 (1) lifetime parole (as described in subsection (e)); and
- 15 (2) the requirement that the person wear a monitoring device (as
16 described in IC 35-38-2.5-3) that can transmit information
17 twenty-four (24) hours each day regarding a person's precise
18 location, if applicable.

19 (g) If a person being supervised on lifetime parole as described in
20 subsection (e) is also required to be supervised by a court, a probation
21 department, a community corrections program, a community transition
22 program, or another similar program upon the person's release from
23 imprisonment, the parole board may:

- 24 (1) supervise the person while the person is being supervised by
25 the other supervising agency; or
- 26 (2) permit the other supervising agency to exercise all or part of
27 the parole board's supervisory responsibility during the period in
28 which the other supervising agency is required to supervise the
29 person, if supervision by the other supervising agency will be, in
30 the opinion of the parole board:
 - 31 (A) at least as stringent; and
 - 32 (B) at least as effective;
- 33 as supervision by the parole board.

34 (h) The parole board is not required to supervise a person on
35 lifetime parole during any period in which the person is imprisoned.
36 However, upon the person's release from imprisonment, the parole
37 board shall recommence its supervision of a person on lifetime
38 parole."

39 Page 49, after line 22, begin a new paragraph and insert:

40 "SECTION 35. [EFFECTIVE JULY 1, 2007] **IC 33-44-3-13, as**
41 **amended by this act, applies only to crimes committed after June**
42 **30, 2007."**

- 1 Renumber all SECTIONS consecutively.
 (Reference is to SB 78 as printed January 24, 2007.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Steele, Chairperson